

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
No. 5:13-CV-83-D

JODY CUTHBERTSON,

Plaintiff,

v.

NORTH CAROLINA NATIONAL  
GUARD, et al.,

Defendants.

**ORDER**

On February 1, 2013, plaintiff (appearing pro se), filed a complaint in this court [D.E. 1]. On February 5, 2013, the Clerk of Court issued civil summonses for service on defendants [D.E. 2], and mailed the summonses to plaintiff [D.E. 3]. On June 19, 2013, the Clerk of Court sent notice to plaintiff of failure to make service within 120 days of the filing of the complaint and warned plaintiff about the consequences of failing to make service [D.E. 5].

Plaintiff has failed to serve the summons and complaint within 120 days of the filing of the complaint. Pursuant to Rule 4(m) of the Federal Rules of Civil Procedure, plaintiff's case is dismissed without prejudice. See Fed. R. Civ. P. 4(m).

SO ORDERED. This 21 day of August 2013.

  
JAMES C. DEVER III  
Chief United States District Judge